

REMARKS

The following remarks are responsive to the Non-Final Office Action mailed October 19, 2010 (“Action”). Reconsideration and allowance are respectfully requested for at least the following reasons.

Claim Rejections Under 35 U.S.C. § 103

Claims 73-92 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yeo (US 6,711,741) in view of Lawler et al. (US 6,868,551).

Applicants respectfully traverse.

A. Comments on Claim 73 and its Dependent Claims

Claim 73 is drawn to a method comprising:

“determining, by a terminal, that a user terminal has remained tuned to the program for a predetermined threshold amount of time; [and]

generating and communicating a request to the provider to retrieve a copy of a portion of the program in response to the request to tune to the program and said determining.”

The combination of Yeo and Lawler, even if proper, does not disclose or suggest any analogous method.

Particularly, the cited combination does not disclose the claimed generating. In the rejection, the Action does not cite to or even assert that Lawler discloses the claimed generating (*see* Action, p. 2-3), and Applicants agree that Lawler does not disclose the claimed generating.

Yeo does not remedy this deficiency. Notably, the Action takes logically inconsistent positions in asserting that Yeo discloses the claimed generating. In the rejection, the Action concedes that “Yeo . . . does not clearly teach determining that a user terminal has remained tuned to the program for a predetermined threshold of time.” *See* Action, p. 3. In spite of this concession, the Action concludes that Yeo discloses generating and communicating a request to the provider to retrieve a copy of a portion of the program in response to the predetermined threshold amount of time being exceeded. *See* Action, p. 2. Considering that the Action concedes Yeo does not determine a user terminal has remained tuned to a program for a predetermined threshold of time, it follows that Yeo cannot generate a request in response to the

predetermined threshold amount of time being exceeded. The Action, however, improperly reaches the exact opposite conclusion.

The citations to Yeo provided in the Action do not rectify this inconsistency. Yeo relates to a system that conserves bandwidth when transmitting video over the Internet. *See* Yeo, C1, L12-27. Rather than transmitting entire video programs, Yeo's system sends temporal snapshots that include individual images from the video program. *Id.* at C2, L62-65. A user may browse through and select from the images, and, in response to a selection, Yeo's system provides a corresponding segment from the source video. *Id.* at C2, L76-C3, L3. Yeo's system permits a user to preview segments of source video before depleting network bandwidth to download the entire video. *Id.* at C3, L3-7.

To reject the claimed generating, the Action cites to columns 3 and 6 of Yeo. *See* Action, p. 2. In the cited lines of column 3, Yeo describes a temporal snapshot generator (TSG) 300 that generates a temporal snapshot marking the beginning of a shot, which is a sequence of captured images. In the cited lines of column 6, Yeo describes a communication between a client and server to request a temporal snapshot.

Absent from the cited lines of Yeo is any discussion of determining whether the client of Yeo has remained tuned to the program for a predetermined threshold amount of time. The temporal snapshot that can be requested by a client, as described in Yeo, does not involve a determination of how long the client has remained tuned to a program. As such, Yeo's disclosure cited in the rejection is not analogous to the claimed determining.

Further absent from the cited lines of Yeo is any discussion of the client generating and communicating a request to the server to retrieve a copy of a portion of the program in response to the predetermined threshold amount of time being exceeded. The cited lines of Yeo describe a client requesting a temporal snapshot, but Yeo does not indicate the request is in response to a predetermined threshold amount of time being exceeded. As such, Yeo's disclosure cited in the rejection is not analogous to the claimed generating. Therefore, Yeo does not disclose or suggest the claimed determining and generating.

Accordingly, the combination of Yeo and Lawler, even if proper, do not establish a *prima facie* case of obviousness. Moreover, the Action has not provided proper reasoning explaining

why one of ordinary skill in the art would have modified Yeo based on Lawler in the manner proposed in the Action. For at least these reasons, Applicants respectfully submit that claim 73 is distinguishable from the Yeo/Lawler combination and request withdrawal of the rejection under 35 U.S.C. § 103. Applicants solicit a notice indicating that claim 73 is allowable.

Independent claims 80, 87, and 90 are allowable at least for reasons analogous to those given in support of claim 73.

The remaining claims respectively depend from claims 73, 80, 87, and 90 and hence are allowable at least due to dependence on an allowable claim.

B. Comments on Claim 79 and 86

Claim 79 depends from claim 73 via claim 77 and further recites “determining that the user terminal has maintained the channel selection for a predefined period of time before causing presentation of the synopsis.” Claim 77 recites that a synopsis of a program “summarizes the portion of the program that has been transmitted from a beginning of program transmission until the identified clock time.” In the rejection, the Action alleges that columns 5 and 6 of Yeo disclose the features recited in claim 79. In column 5, Yeo describes a buffering scheme for a client to provide smooth video playback and, in column 6, Yeo describes a hierarchical method of viewing video clips.

Absent from the cited lines of Yeo is any disclosure of monitoring of how long the client maintained a channel selection, or requiring the client to maintain a channel selection for a predefined period of time before causing presentation of a synopsis summarizing a previously transmitted portion of a program. The Action’s citations to smooth video playback and a hierarchical method of viewing video clips from Yeo are not analogous to the claim elements for apparent reasons. Also, the Action does not assert or even point to any section of Lawler as disclosing the features of claim 79. As such, Applicants respectfully submit that claim 79 is distinguishable from the Yeo/Lawler combination and request withdrawal of the rejection under 35 U.S.C. § 103. Applicants solicit a notice indicating that claim 79 is allowable.

Claim 89 is allowable for reasons analogous to those given in support of claim 79.

CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance. Favorable reconsideration of this application is respectfully requested. The Examiner is invited to contact the undersigned should it be deemed necessary to facilitate prosecution of the application.

Respectfully submitted,
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